Comments of the Offshore Operators Committee (OOC)
EPA Region 6 OCS General Permit GMG290000
April 18, 2007 abbreviated version

Oil & gas

Citation	Revised Wording	Rationale
Part I.A.2. Page 7 para 2.	NOI shall be submitted and postmarked prior to the commencement of discharge. Postmark date is evidence of delivery and acceptance for purposes of coverage and shall signify approval to commence discharge. Applies to NOI, NOT and transfers	Clarification of acceptance date of NOI, NOT and transfers to commence, terminate, or transfer discharge from facilities.
Part I.A.3, Page 8	Termination of ~~Operations~~ NPDES Coverage: Lease block operators shall submit a Notice of Termination (NOT) to the Regional Administrator within 60 days of termination of lease ownership for lease blocks assigned to the operator by the Department of Interior. The Discharge Monitoring Report (DMR) for a terminated lease block shall be submitted with the NOT, or with the annual DMR submittal. The NOT shall be effective upon the effective date shown on the NOT.	Since NPDES coverage is applied for by the operator following lease block assignment from DOI, likewise, termination of NPDES coverage should follow expiration or relinquishment of the lease block by the operator. This process would assure continuous NPDES coverage for the duration of the lease agreement and result with less administrative work for both EPA and the operator. Also, "Termination of NPDES Coverage" is consistent with the verbiage on the NOT form itself.
Part I.B.12, Pages 26-32	**Cooling Water Intake Structure Requirements –** delete this section of the permit as discussed in the rationale. In addition, we offer comments on how this section can be included in a subsequent general permit.	The Cooling Water Intake Structure Requirements Section should be deleted from this permit and placed in a separate permit for the following reasons. 1. This Section deals with the design and operation of platform and drilling rig cooling water intake structures. Currently oil and gas operators are the permittees under GMG290000. Oil and gas operators should not be held responsible for the design or operation of drilling rig cooling water intake structures that they neither design, construct, own, nor operate.

Cooling Water – How are MODU's handled → Industry wide study –

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		2. The Supplemental Notice of Intent Requirements (Page 27) are inconsistent with the existing notice of intent process in GMG290000, Part I.A.2. Currently permit coverage is granted to an operator on an offshore block basis regardless of the number of facilities in a block. No additional notice is required if new platforms are installed or if drilling rigs move into a block with existing GMG290000 permit coverage. The Supplemental Notice of Intent Requirements are tied to facility specific intake structure information rather than offshore block permit coverage. The two permitting frameworks are not consistent. 3. Currently the lessees (i.e., oil and gas operators) of offshore blocks are the entities that notify for permit coverage under GMG290000. The proposed supplemental notice requirements would be problematic for oil and gas operators, since mobile drilling rigs can work for multiple oil and gas operators over the course of a year. Certification of the required supplemental notice of intent information must be made by the owner/operator of the drilling rig. 4. Currently facilities with GMG290000 permit coverage are not required to

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		renotify for permit coverage at expiration of the permit. The supplemental notice of intent section requires that mobile facilities provide a narrative description and/or map of predicted locations during the term of the permit. Thus, it appears that mobile drilling rigs would have to renotify every time the permit is renewed. Furthermore, it is not probable that data on future rig locations will be available to satisfy the "permit term" requirement. 5. Placing cooling water intake requirements in a separate general NPDES permit would allow a separate permit coverage administrative process to be set up that would work for both fixed and mobile structures and would allow the additional time needed to develop workable compliance and monitoring requirements and a revision of the EPA 316(b) Phase III regulations.
Part I.B.12, Page 26	Applicability: These requirements apply to new facilities, for which construction was commenced after July 17, 2006, with a ~~design~~ cooling water intake structure having a design intake capacity of greater than 2 million gallons of water per day, of which at least 25% is used for cooling purposes ~~and for which construction was commenced after July 17, 2006~~. The cooling water intake structure requirements will become effective 3 years after the effective date of the permit except for the Baseline Study requirements which will be effective 1 year from	The revised wording clarifies that the 2 million gallons per day design capacity criterion refers to the cooling water intake structure and not the total facility intake design capacity. A facility could have a firewater intake with a 2 MGD design capacity and a separate cooling water intake with a 1 MGD design capacity. As currently worded, the cooling water intake would require coverage because the facility has a 3

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	the effective date of the permit.	MGD intake design capacity and 33% of that is for cooling water. Permit coverage should not be required for cooling water intake structures with a design intake capacity of ≤2 MGD. Time is needed to scope and develop the study project, obtain EPA agreement on the study, obtain funding for the study, conduct the Baseline Study. The results of the Baseline Study will in turn impact design needs for future facilities and potentially for facilities placed in operation during the progession of the Study process. Language needs to be included to address how to handle facilities that are currently under construction and will be in operation prior to completion of the Baseline Study.
Part I.B.12.a, Pag26	**a) Baseline Study requirements (for new fixed facilities)** As described below, operators of new fixed facilities may either conduct a study at each platform or they may participate in an industry wide study. Operators may participate after the close of the study. Operators of new fixed facilities must submit sufficient information to characterize the biological community of commercial, recreational, and forage base fish and shellfish in the vicinity of the intake structure and to characterize the effects of the cooling water intake structure's operation on aquatic life. This biological characterization must include any available existing information along with field studies to obtain localized	A mechanism is needed to assure that future operators will have the opportunity to participate in the study. Wording is added to clarify what portion of the biological community the study should focus on. The added language is taken from 71 FR 35023.

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	data…	
Part I.B.12.a.7, Page 27	If the information above is supplemented with data from field studies, ~~Supporting documentation for the Source Water Baseline Biological Characterization~~ the supplemental data must include a description of all methods and quality assurance procedures for sampling and data analysis including a description of the study area; taxonomic identification of sampled and evaluated biological assemblages (including all life stages of fish and shellfish); and sampling and data analysis methods. The sampling and/or data analysis methods you use must be appropriate for a quantitative survey and based on consideration of methods used in other biological studies performed within the same source water body. The study area should include, at a minimum, the area of influence of the cooling water intake structure.	Revised wording is proposed for consistency with 40 CFR 122.21.r.4.viii. As currently worded this paragraph requires backup information for all data rather than just data developed from field studies conducted by the permittees. Data derived from existing literature was not intended to be nor should it be subjected to this level of verification.
Part I.B.12.b, Page 27	**Supplemental Notice of Intent Requirements** Design information must be submitted at least 30 days in advance of a facility commencing operations in the geographic area covered by GMG29000. Design information required to be submitted for cooling water intake structures is only required to be submitted once for any facility that these requirements are applicable. Design information is not required to be resubmitted for additional leases where the facility subsequently operates. EPA will notify operator if additional information is required.	Revised wording is proposed to define when supplemental NOI information must be submitted by and notification by EPA if additional information is required.
Part I.B.12.b, Page 28	**Supplemental Notice of Intent Requirements** **New non-fixed facilities must submit:** **Velocity information, including:**	Revised wording is proposed to clarify that this information requirement only applies to surface water intakes. See 40 CFR 125.137.b

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	2. For surface cooling water intake screens only, ~~D~~design calculations showing that the velocity requirement will be met at the minimum ambient source water surface elevation and maximum head loss across the screens or other device.	
Part I.B.12.b, Page 29	**Supplemental Notice of Intent Requirements** **New Fixed Facilities must submit:** **Source water physical data, including:** 2. Identification and characterization of the source waterbody's hydrological and geomorphological features, as well as the methods you used to conduct any ~~physical~~ studies to determine your intake's area of influence within the waterbody and the results of such studies; and	Physical studies couldn't be conducted until the facility is placed on site; however, calculations could be performed.
Part I.B.12.b, Page 29	**Supplemental Notice of Intent Requirements** **New Fixed Facilities must submit:** **Cooling water intake structure data, including:**	The species specific information in this paragraph will not be available until after the Baseline Study is completed, further reinforcing the need for setting separate effective dates for the study and compliance with the results of the Study.
Part I.B.12.b, Page 30 check supplemental Notice.	**Supplemental Notice of Intent Requirements** **New Fixed Facilities must submit:** **Velocity information, including:** 2. For surface cooling water intake screens only, ~~D~~design calculations showing that the velocity requirement will be met at the minimum ambient source water surface elevation and maximum head loss across the screens or other device.	Revised wording is proposed to clarify that this information requirement only applies to surface water intakes. See 40 CFR 125.137.b

Citation	Revised Wording	Rationale
Part I.B.12.c, Page 30	**Intake Structure Requirements** **New non-Fixed Facilities** 2. The operator must minimize impingement mortality of fish and shellfish through use of cooling water intake design and construction technologies or operational measures, if the Director determines that: (i) There are threatened or endangered or otherwise protected federal, state, or tribal species, or critical habitat for these species, within the hydraulic zone of influence of the cooling water intake structure; or (ii) Based on information submitted by any fishery management agency(ies) or other relevant information, there are migratory and/or sport or commercial species of impingement concern to the Director that pass through the hydraulic zone of influence of the cooling water intake structure; or (iii) Based on information submitted by any fishery management agency(ies) or other relevant information, that the proposed facility, after meeting the 0.5 ft/s or less intake velocity requirement, would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern.	Revised wording is added for consistency with 40 CFR 125.134.b.4.
Part I.B.12.c, Page 30	**Intake Structure Requirements** **New Fixed Facilities that do not employ Sea Chests as Intake Structures** 2. The operator must minimize impingement mortality of fish and shellfish, if the Director determines that: (i) There are threatened or endangered or otherwise protected federal, state, or tribal species, or critical habitat for these species, within the hydraulic zone of influence of the cooling water intake structure; or	Revised wording is added for consistency with 40 CFR 125.134.b.4.

Citation	Revised Wording	Rationale
	(ii) Based on information submitted by any fishery management agency(ies) or other relevant information, there are migratory and/or sport or commercial species of impingement concern to the Director that pass through the hydraulic zone of influence of the cooling water intake structure; or (iii) Based on information submitted by any fishery management agency(ies) or other relevant information, that the proposed facility, after meeting the 0.5 ft/s or less intake velocity requirement and minimizeing entrainment of entrainable life stages of fish and shellfish through use of cooling water intake design and construction technologies or operational measures; would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern.	
Part I.B.12.c, Page 30	**Intake Structure Requirements** **New Fixed Facilities that employ sea chests as intake structures** 2. The operator must minimize impingement mortality of fish and shellfish through cooling water intake design and construction technologies or operational measures, if the Director determines that: (i) There are threatened or endangered or otherwise protected federal, state, or tribal species, or critical habitat for these species, within the hydraulic zone of influence of the cooling water intake structure; or (ii) Based on information submitted by any fishery management agency(ies) or other relevant information, there are migratory and/or sport or commercial species of impingement concern to the Director that pass through the hydraulic zone of influence of the cooling water intake structure; or	Revised wording is added for consistency with 40 CFR 125.134.b.4.

Citation	Revised Wording	Rationale
	(iii) Based on information submitted by any fishery management agency(ies) or other relevant information, that the proposed facility, after meeting after meeting the 0.5 ft/s or less intake velocity requirement, would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern.	
Part I. B.12.d, Page 31	**Monitoring Requirements** **New non-Fixed Facilities** 1.The operator must conduct either visual inspections or use remote monitoring devices ~~must be employed~~ during the period the cooling water intake structure is in operation. The operator must conduct visual inspections at least weekly, or at a lesser frequency as approved by the director, to ensure that the required design and construction technologies are maintained and operated so they continue to function as designed. Alternatively, the operator must inspect using remote monitoring devices ~~may be employed~~ to ensure that the impingement and entrainment technologies are functioning as designed. However, such visual inspections are not required when conditions such as storms, high seas, evacuation, or other factors would make visual inspections unduly hazardous to personnel, the facility, or the equipment used for such visual inspections. The operator must provide an explanation for any such failure to visually monitor with the subsequent DMR submittal.	Typos Subsea non-mechanical screens or grates do not need visual inspection on a weekly frequency. The Baseline Study can be used to establish an appropriate monitoring frequency. The draft permit contains no flexibility for the timing of inspections, no recognition of the adverse environmental conditions under which offshore platforms operate. For example, there is no flexibility for conditions outside of the operator's control that would make monitoring unsafe or otherwise impossible.
Part I. B.12.d, Page 31	**Monitoring Requirements** **New Fixed Facilities that do not employ sea chests as intake structures** 1. The operator must conduct either visual inspections or use remote monitoring devices during the period the cooling water	Typo

Citation	Revised Wording	Rationale
	intake structure is in operation. The operator must conduct visual inspections at least weekly, or at a lesser frequency as approved by the director, to ensure that the required design and construction technologies are maintained and operated so they continue to function as designed. Alternatively, the operator must inspect using remote monitoring devices to ensure that the impingement and entrainment technologies are functioning as designed. However, such visual inspections are not required when conditions such as storms, high seas, evacuation, or other factors would make visual inspections unduly hazardous to personnel, the facility, or the equipment used for such visual inspections. The operator must provide an explanation for any such failure to visually monitor with the subsequent DMR submittal.	Subsea non-mechanical screens or grates do not need visual inspection on a weekly frequency. The Baseline Study can be used to establish an appropriate monitoring frequency. The draft permit contains no flexibility for the timing of inspections, no recognition of the adverse environmental conditions under which offshore platforms operate. For example, there is no flexibility for conditions outside of the operator's control that would make monitoring unsafe or otherwise impossible.
Part I. B.12.d, Page 31	**Monitoring Requirements** **New Fixed Facilities that do not employ sea chests as intake structures** 2. The operator must monitor for entrainment. The operator must collect samples to monitor entrainment rates (simple enumeration) for each species over a 24-hour period and no less than biweekly during the primary period of reproduction, larval recruitment, and peak abundance identified during the Source Water Baseline Biological Characterization Study. Representative species may be utilized for this monitoring consistent with their use in the Source Water Baseline Characterization Study. The operator must collect samples only when the cooling water intake structure is in operation. After 24 months of monitoring, the permittee may request from EPA a reduced monitoring frequency for the remainder of the permit.	Use of representative species for entrainment monitoring will allow meaningful comparison of the monitoring data with the Baseline Characterization Study, provide representative monitoring without requiring all species to be monitored, and will reduce the time and expense associated with this monitoring. Monitoring for entrainment is reasonable but should be limited in duration since no permit limit exists. Presumably, EPA will use the

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	Alternately, operators may comply with these requirements through participation in an industry-wide study. That study may include a smaller, statistically representative number of platforms.	monitoring data to determine if significant entrainment is occurring and then to prescribe additional limitations, if needed, in future general permits. An industry-wide study can provide this information without burdening each new facility with this requirement. Also the proposed language is consistent with 40 CFR 125.137.a.3.
Part I. B.12.d, Page 31	**Monitoring Requirements** **New Fixed Facilities that do not employ sea chests as intake structures** 3. For facilities that employ surface intake screens systems, the operator shall monitor intake velocity by measuring the head loss across the intake screens and correlating the measured value with the design intake velocity. The operator must measure head loss at the minimum ambient source water surface elevation using best professional judgment based on available hydrological data. The operator must use the maximum head loss across the screen for each cooling water intake structure to determine compliance with the velocity requirement. For facilities utilizing devices other than surface intake screens, intake velocity shall be monitored at the point of entry through the intake device. The operator shall monitor ~~of~~ either head loss or velocity ~~shall be conducted~~ during initial facility startup, and thereafter, at a frequency of no less than once per quarter	Typos
Part I. B.12.d,	**Monitoring Requirements**	Typo

Citation	Revised Wording	Rationale
Page 32	**New Fixed Facilities that Employ Sea Chests as Intake Structures** 1. The operator must conduct either visual inspections or utilize remote monitoring devices ~~must be employed~~ during the period the cooling water intake structure is in operation. The operator must conduct visual inspections at least weekly, or at a lesser frequency as approved by the director, to ensure that the required design and construction technologies are maintained and operated so they continue to function as designed. Alternatively, the operator must inspect using remote monitoring devices to ensure that the impingement and entrainment Technologies are functioning as designed.	Subsea non-mechanical screens or grates do not need visual inspection on a weekly frequency. The Baseline Study can be used to establish an appropriate monitoring frequency.
Part I. B.12.d, Page 32	**Monitoring Requirements** **End of section** **A status report of ~~the~~ required biological monitoring ~~records~~ for each fixed facility cooling water intake structure ~~as required for fixed facilities~~ must be provided to EPA with the annual DMR. Biological monitoring is not required for fixed facilities that employ sea chests for cooling water intake structures.**	Proposed language clarifies that biological monitoring is not required for fixed facilities that employ sea chests as intake structures. Need to work with EPA to determine what data would be reported and what format it would be reported in.
Part I.C.6, Page 34	**6. Wastes Associated with Maintenance Activities such as Surface Preparation and Coating** Maintenance waste, such as removed paint and materials associated with surface preparation and coating applications, must be contained to the maximum extent practicable to prevent discharge. This includes airborne material such as spent or oversprayed abrasives, paint chips, and paint overspray.	Operation in accordance with the API recommended practice (RP 91) will satisfy EPA, MMS, and USCG regulatory requirements. EPA has agreed in the past to consider these de minimus discharges as being under the USCG MARPOL ANNEX 5 regulations.

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	Measures such as vacuum abrasive blasting, covering grated areas with plywood, surrounding the area with canvas tarps and similar measures must be employed to capture as much material as practicable. All collected material shall be disposed of at an appropriate shore based facility. Prior to conducting sandblasting or similar maintenance activities, operators shall operate in accordance with the **API RECOMMENDED PRACTICE (RP 91) FOR CONTAINMENT OF SPENT BLAST ABRASIVE AND ASSOCIATED MATERIALS FROM SURFACE PREPARATION AND COATING OPERATIONS**, if published, or develop and implement a Best Management Practices (BMP) plan for the containment of waste materials.	

END

- Can permit be applied to the MODUs → every time they get moved to itself.
  - ↳ carve out requirement from permit.
  - → structure specific → for MODUs
  - owner of MODU would submit separate modification
  - → approval would take effect in the permit.
- Clean → baseline effective day of the permit.
  - 1 year
  - Initiate study within a year
    - complete
    - Concurrence between Region 4 & Region 6 → on the study
    - R-4 - not willing to accept synthetic mud
  - → 2 more years they've got.
    - Region 4 talk to counterparts
    - 1 study for cooling water
      - submit study plan - & assume
      - submit study plan upfront.